



Serious incidents notification: standard operating procedures for youth justice services in England and Wales

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1.1 Introduction

Background

In 2021, the YJB reviewed how intelligence against serious incidents occurring in the community was gathered as part of our statutory responsibility for oversight. This highlighted that without a notification process of serious incidents in the community the YJB has limited oversight of these serious events. This limits the effectiveness of timely and appropriate responses both locally and nationally, the deployment of practical support and, when required, ministerial liaison. It also limits collation of national data where a fuller picture of performance, trends, themes, and lessons learnt could be extracted.

In June 2021, the YJB introduced a voluntary serious incident notification process.

Following a review of the voluntary notification procedure and consultation with the sector, the decision was taken to make Serious Incident notifications across England and Wales mandatory from the 1 April 2022¹.

Who is this guidance for?

This guidance is for YJ Service managers/staff (or equivalent colleagues responsible for the delivery and or monitoring of youth justice services in the community). It will also be of interest to local authority managers and other professionals involved in the safeguarding and protection of children.

What is the purpose of this guidance?

This document sets out what staff working in the youth justice system are required to do in order to report information to the YJB if a child is involved in one of the 6 categories of safeguarding or public protection incidents (as detailed in section 1.2 of this guidance).

The guidance does not replace any local or national safeguarding requirements or policies.

Why does the YJB need to know about serious incidents?

The YJB has a statutory duty to monitor the youth justice system and share/promote good practice (Crime and Disorder Act 1998). Safeguarding principles as set out by government are embedded in this aspect of our work.

Intelligence related to serious incidents in the community supports the YJB's oversight of the whole system.

For clarity, if an incident takes place in custody, you should report it to the [Youth Custody Service \(YCS\) Placements Team](#) by calling its 24-hour telephone number 0345 36 36 36 3.

¹ As included within the terms and conditions of the YJ core grant

1.2 Identifying and recording serious incidents

From 1 April 2022 the YJB has introduced a mandatory system to report and record some categories of serious incidents. This means that all services are expected to notify the YJB when one of the following incidents has occurred.

The prescribed incidents must be notified to the YJB within one working day of a YJ Service becoming aware of an incident involving a child. If clarity is sought about the categorisation of incidents and the application of the procedures, then the YJB can be contacted via the [Serious Incidents mailbox](#) for guidance.

YJ Services should notify the YJB of a serious incident if a child:

Is charged with committing one of the following notifiable incidents outlined below, (a full list of reportable incidents is included at Annex A)

- Attempted Murder
- Murder/Manslaughter
- Rape
- Grievous Bodily Harm or Wounding with or without intent – section 18/20
- A Terrorism related offence

Or

- Dies while on the YJ Service caseload or up to 20 calendar days following the end of YJ Service supervision

The notification should be submitted to the YJB within 24 hours of the charge being made or, in the case of the death of a child, the date the service became aware of that death.

In the event where there may be more than one YJ Service involved in the child's case, the expectation is that the completion of the notification will be the responsibility of the YJ Service that was delivering youth justice services to the child at the time of the incident.

All relevant YJ Services that have information to contribute should do so, co-ordinated by the notifying YJ Service.

If the child is charged with committing a listed notifiable incident, the YJ Service that will be supervising going forward should report the incident.

1.3 How to report an incident

YJ Services should record the details with the Serious Incidents Notification Form and send it to seriousincidentsnotification@yjb.gov.uk and the relevant YJB Head of English region or Wales.

All information recorded will be managed by the YJB in compliance with the Data Protection Act 2018 and will be stored securely with restricted access.

Media enquiries

Safeguarding and public protection incidents often attract media attention. YJ Services should follow local procedures on media handling and make reference to any media interest in the Serious Incidents Notification Form.

Further information

The YJB is available to offer and provide support and practical help to the local leaders in these situations. This includes advice on media handling, offering relevant practical support and linking with other YJ Services who have had similar experiences. Any YJ Services requiring this support are asked to contact their relevant YJB Head of Region in the first instance, or if you are not sure who this is, to contact the [Serious Incidents mailbox](#).

1.4 Learning Reviews

The YJB are, in addition to requiring local Youth Justice Services to submit a Serious Incident notification, asking that all published reviews of any relevant notified serious incidents be submitted to the YJB via the serious incidents mailbox at the point of completion/publication.

The YJB does not require the submission of any internally produced learning reviews, only those that are published.

Annex A: notifiable offences (at the point of charge) - further information on notifiable incidents (please read the [Crown Prosecution Service's Charging Standard](#) for more information).

- death of a child (while on the YJ Service caseload or up to 20 calendar days following the end of YJ Service supervision)
- attempted murder
- murder/manslaughter
- rape
- grievous bodily harm or wounding with or without intent – section 18/20
- a terrorism related offence

Attempted Murder

In contrast to the offence of murder, attempted murder requires the existence of an intention to kill, not merely to cause grievous bodily harm.

Murder

Murder and manslaughter are two of the offences that constitute homicide.

Subject to three exceptions (see Voluntary Manslaughter below) the crime of murder is committed, where a person is:

- of sound mind and discretion (i.e. sane)
- unlawfully kills (i.e. not self-defence or other justified killing)
- any reasonable creature (human being)
- in being (born alive and breathing through its own lungs)
- under the Queen's Peace (not in wartime)
- with intent to kill or cause grievous bodily harm (GBH)

Manslaughter

Manslaughter can be committed in one of three ways:

- Murder but where a partial defence applies, namely loss of control, diminished responsibility or killing pursuant to a suicide pact.
- Conduct that was grossly negligent given the risk of death, and did kill ("gross negligence manslaughter"); and
- Conduct taking the form of an unlawful act involving a danger of some harm that resulted in death ("unlawful and dangerous act manslaughter").

Rape

Rape is defined as intentional penetration of the vagina, anus or mouth of another person with a penis, without consent or does not reasonably believe that consent was given.

Grievous Bodily Harm (GBH) or wounding - Section 18 or 20

For section 18 and 20 the level of harm is the same. The words "grievous bodily harm" bear their ordinary meaning of "really serious" harm.

However, the distinction between Section 18 and Section 20 is the intent behind the harm.

The prosecution must prove under section 20 that either the defendant intended, or actually foresaw, that the act might cause some harm. It is not necessary to prove that the defendant either intended or foresaw that the unlawful act might cause really serious or grievous harm. It is enough that the defendant foresaw some physical harm to some person, albeit of a minor character might result.

The prosecution must prove under section 18 that the defendant intended to wound and/or cause grievous bodily harm, and nothing less than an intention to produce that result, which in fact materialised, will suffice. Factors that may indicate specific intent include a repeated or planned attack, deliberate selection of a weapon or adaptation of an article to cause injury, such as breaking a glass before an attack, making prior threats or using an offensive weapon against, or kicking, the victim's head. The gravity of the injury may be the same for section 20 or 18 although the gravity may indicate the intention of the defendant.

Terrorism related offence

A terrorist related offence covers those who have been convicted of:

- any offence under terrorist legislation
- an offence of conspiring, attempting, aiding, abetting, counselling, procuring or inciting an offence under terrorist legislation.

A terrorist related offence includes offences under terrorism legislation and other offences considered to be terrorism-related.

Terrorism is commonly defined as violent acts (or the threat of violent acts) intended to create fear (terror), perpetrated for an economic, religious, political, or ideological goal, and which deliberately target or disregard the safety of non-combatants (e.g. neutral military personnel or civilians).

Terrorism is defined in the Terrorism Act 2000 (TACT 2000) and means the use or threat of action where:

1. The action:

- involves serious violence against a person
- involves serious damage to property
- endangers a person's life, other than that of the person committing the action
- creates a serious risk to the health or safety of the public or a section of the public
- is designed seriously to interfere with or seriously to disrupt an electronic system, and

2. The use or threat is designed to influence the government or to intimidate the public or a section of the public.

3. The use or threat is made for the purpose of advancing a political, religious or ideological cause, and

4. Where the use or threat of action as defined above involves the use of firearms or explosives it is always terrorism, whether or not the condition in (2) above is satisfied.